

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 20, 2005

Division: County Attorney

Bulk Item: Yes X No

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Approval of settlement agreement in Code Enforcement lien in Monroe County V. Federico Rodriguez & Nerry Rodriguez & Manuela Rodriguez, Estate

ITEM BACKGROUND: The owners were cited for 5 different Code violations for having abandoned vehicles on their property, for having a yard that was strewn with trash and debris and for having an open sewer line from the trailer home which was dumping raw sewage onto the grounds of the property. The Special Magistrate found the property to be in violation and imposed fines as of May 11, 2004. The property was brought into full compliance on March 24, 2005 at which time the fines totaled \$30,800. The property is being sold and the new owner wants to resolve the outstanding fines. After consultation with the Code Enforcement Director it was determined that it would be appropriate to settle the lien for \$7,500.

PREVIOUS RELEVANT BOCC ACTION:

The BOCC previously approved the institution of litigation if necessary to enforce the lien.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty *JRC* OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John R. Collins 04/05/05
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA
The Honorable J. Jefferson Overby, Presiding**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: CE04030001

**FEDERICO RODRIGUEZ & NERRY RODRIGUEZ
& MANUELA RODRIGUEZ, ESTATE
Respondent(s)**

_____/

SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and Federico Rodriguez & Nerry Rodriguez & Manuela Rodriguez, Estate, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$7,500.00.
2. The property in question has a legal description of B16 EIGHT AVENUE, STOCK ISLAND, MONROE COUNTY, FLORIDA (RE:00131990-000000).
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$7,500.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.

5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.
7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

ATTEST:

DANNY L. KOLHAGE
CLERK:

BOARD OF COUNTY COMISSIONERS
OF MONROE COUNTY

By: _____
Deputy Clerk

By: _____
Dixie Spehar, Mayor

Dated _____

_____, Respondent

Notary Public

By: _____
(date)

_____, Respondent

Notary Public

By: _____
(date)

_____, Respondent

Notary Public

By: _____
(date)

This document was prepared and approved as to form by:

Pedro J. Mercado, Esq.
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